

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ross W. TYE

Appl. No. 09/411,006

Filed: October 1, 1999

For: **Non-Pyrogenic, Endotoxin-Free,  
Stroma-Free Tetrameric Hemoglobin**

Art Unit: 1646

Examiner: To be assigned

Attorney Docket: 07207.0002.US00



**Response to Notice to File  
Missing Parts of Application**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**ATTN: Box Missing Parts**

Sir:

In response to the **Notice to File Missing Parts of Application--Filing Date**  
**Granted** dated October 27, 1999, Applicant submits the following documents for appropriate  
action by the U.S. Patent and Trademark Office:

- ☒ Petition for Extension of Time under 37 C.F.R. § 1.136;
- ☒ Copy of the Notice to File Missing Parts;
- ☒ Original Combined Declaration and Power of Attorney for Patent Application,  
executed by the inventors;
- ☒ An original executed Power of Attorney from Assignee;
- ☐ [or] An original executed Power of Attorney from Assignee with Delegation;
- ☒ Assignee Certificate Under 37 C.F.R. § 3.73(b) with copy of Assignment  
attached;
- ☒ Small Entity Status form;
- ☒ Return postcard; and
- ☒ Our Check No. 324812 for \$1,538.00 to cover:

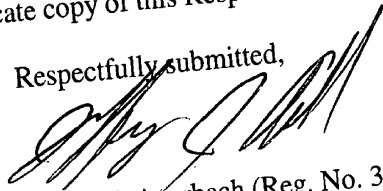
\$345.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)  
\$693.00 Fee for excess claims (37 C.F.R. § 1.16)

\$ 65.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16)  
\$435.00 For extension of time fees under 37 C.F.R. § 1.136.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 07207.0002.US00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 07207.0002.US00. A duplicate copy of this Response is enclosed.

Respectfully submitted,



Jeffrey I. Auerbach (Reg. No. 36,253)

Michael J. Stimson, (Provisional Reg. No. P-45,429)

HOWREY SIMON ARNOLD & WHITE, LLP

Box No. 34

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/411,006	10/01/99	TYE	07207.0002US



NOT ASSIGNED

JEFFREY I AUERBACH  
HOWREY & SIMON  
BOX NO 34  
1299 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004-2402

DATE MAILED: 1646

10/27/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed) ☒ non-small entity is \$ 2,276.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
- ☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.40).

☐ 2. The following additional claim fees are due:

\$ 918.00 for 51 total claims over 20.

\$ 408.00 for 6 independent claims over 3.

\$ 408.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
- ☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Everett Williams  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**HOWREY & SIMON**

March 13, 2000



Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

**Jeffrey I. Auerbach**  
(202) 383-7451  
auerbachj@howrey.com

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Attn: Box Missing Parts**

Re: U.S. Utility Patent Application No. 09/411,006  
Filed: October 1, 1999  
For: **Non-Pyrogenic, Endotoxin-Free, Stroma-Free Tetrameric Hemoglobin**  
Inventor: Ross TYE  
Our Ref: 07207.0002.US00

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Patent and Trademark Office:

1. Response to Notice to File Missing Parts of Application;
2. Copy of Notice to File Missing Parts;
3. Petition for Extension of Time Under 37 C.F.R. § 1.136;
4. Original Combined Declaration and Power of Attorney for Patent Application executed by the inventor;
5. An original executed Power of Attorney from Assignee;
6. Assignee Certificate Under 37 C.F.R. § 3.73(b) with copy of Assignment attached;
7. Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §§ 1.9(d) and 1.27(c) -- Small Business Concern;
8. Information Disclosure Statement;
9. Form PTO-1449 (2 pages) with 31 attached references;
10. Return postcard; and

11. Our Check No. 324812 for \$1,538.00 to cover:

\$345.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)

\$693.00 extra claims fee (37 C.F.R. § 1.16)

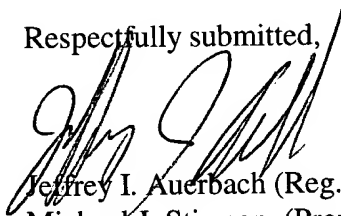
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Respectfully submitted,



Jeffrey I. Auerbach (Reg. No. 32,680)

Michael J. Stimson, (Provisional Reg. No. P-45,429)

Enclosures